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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,281	11/14/2003	Winthrop D. Childers	200312360	1116

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EXAMINER

LEE, MICHAEL

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,281

Applicant(s)

CHILDERS, WINTHROP D.

Examiner

M. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-16, 19-23, 25-30, 32-34 is/are rejected.
- 7) ☒ Claim(s) 11, 17, 18, 24 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/14/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10, 12, 14-16, 19-22, 27-29, 32 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Bardmessenger (6,020,937).

Regarding claim 1, Bardmessenger discloses a projection system showing a first scanning optical element (11), and a second scanning optical element (9). Each of the elements can be adjusted to produce different aspect ratio images (col. 2, lines 60-65).

Regarding claim 2, the mirrors 9 and 11 are refractive optics.

Regarding claim 3, element 9 and 11 are mirrors.

Regarding claim 4, controller 4 determines the aspect ratio of the incoming video signal and controls the motors 8 and 10 in order to generate a detected aspect ratio (col. 3, lines 24-28).

Regarding claim 5, the mirrors 9 and 11 are polygonal mirrors.

Regarding claim 6, see col. 3, lines 2-8.

Regarding claim 7, see motors 8 and 10. The aspect ratio in Bardmessenger can be changed by changing the number of facets.

Regarding claim 8, Bardmessenger inherently includes a mirror mover for moving the mirrors from one location to another as indicated in col. 3, lines 29-38.

Regarding claim 9, the mirror is replaced with another one when switching from one NTSC to HDTV, and vice versa (see col. 1, lines 29-35, and col. 3, lines 2-4).

Regarding claim 10, see col. 2, lines 22-26.

Regarding claims 12, 14-16, 19 and 20, see similar rejections recited above.

Regarding claims 21-22, in addition of above, the controller 4 in Bardmesser inherently includes processor for carrying out the format detection functions (col. 3, lines 24-28).

Regarding claim 27, see motors 8 and 10.

Regarding claims 28-29, 32 and 34, see similar rejections as set forth above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13, 23, 25-26, 30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bardmesser (6,020,937).

Regarding claim 13, Bardmesser does not specify that the system controller alters the number of facets of the polygonal mirror as claimed. In any event, Bardmesser teaches that the aspect ratio can be altered by changed the number of facets on the polygonal mirrors (see col. 3, lines 2-9). Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify

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Bardmesser so that different polygonal mirrors with different facets could be used produce different aspect ratio images.

Regarding claims 25 and 26, Bardmesser does not specify the varying instruction or the selecting instruction as claimed. However, in view of rejection to claim 13, the claimed varying instruction and selecting instruction would have been considered obvious.

Regarding claims 23 and 30, Bardmesser does not specify the moving step or means as claimed. However, in view of rejection to claim 13, the claimed moving means or means would have been considered obvious.

Regarding claim 33, Bardmesser does not specify the means for selecting as claimed. However, in view of rejection to claim 13, the means for selecting as claimed would have been considered obvious.

Allowable Subject Matter

5. Claims 11, 17, 18, 24 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nakagakiuchi et al. (5,418,546) shows a scanner.

Gibeau et al. (5,614,961) shows a polygon mirror.


Bardmesser (6,091,461) shows a rotating mirror.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number 571-272-7349. The examiner can normally be reached on Monday through Thursday from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz, can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



M. Lee
Primary Examiner
Art Unit 2622